

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TRIAD WESTERN CONSTRUCTORS, INC.

Plaintiff,

vs.

CV 10-0706 BB/CG

CITY OF HOBBS,

Defendant.

ORDER VACATING INITIAL SCHEDULING ORDER

THIS MATTER is before the Court on the parties' *Stipulated Motion to Vacate Rule 16 Scheduling Conference and Deadlines Established in the Initial Scheduling Order* ('Motion'). (Doc. 14). The Motion is unopposed and has been filed by attorneys for both Plaintiff Triad Western Constructors and Defendant City of Hobbs. (*Id.*). The Court, being fully advised in this matter, finds the Motion to be well taken and will **GRANT** the Motion.

This Court set an Initial Scheduling Order ('ISO') (Doc. 9) on September 13, 2010. The ISO was entered following the Defendant's Answer and Counterclaim against the Plaintiff on September 9, 2010. (Doc. 6). The ISO set out an October 5 deadline by which the parties must confer and formulate a provisional discovery plan. (Doc. 9 at 1). The ISO also requires that the parties submit a Joint Status Report by October 12, 2010. (*Id.*). Following the entry of the ISO, Defendant filed a Third Party Complaint against two parties, Camp Dresser McKee and HDR Engineering. (Doc. 12). Neither Camp Dresser McKee nor HDR Engineering have responded to Defendant's Third Party Complaint as of yet. The parties are therefore requesting that the ISO be vacated so that the Third Party Defendants may have an opportunity to respond.

IT IS THEREFORE ORDERED that the parties' *Stipulated Motion to Vacate Rule 16 Scheduling Conference and Deadlines Established in the Initial Scheduling Order* (Doc. 14) be **GRANTED**. The Court's Initial Scheduling Order (Doc. 9) will be vacated and a new Initial Scheduling Order shall be entered following the responses of the Third party Defendants.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal flourish extending to the right.

**THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE**